REMARKS

This is in response to the office action dated September 10, 2004.

Claim 1 has been amended to remove "variable resistor" and to replace it with the varistor of claim 2. Claim 2 has been cancelled. Claims 3, 5 and 6 have been amended to conform to the amendment of claim 1 and the cancellation of claim 2. Claims 7-12 have been cancelled.

The apparatus of the amended claim 1 is used for attenuating undesirable high frequency signals in an AC power supply, for instance, in house wiring. A capacitor is used to attenuate the undesirable signals. When this capacitor is disconnected from, for example, an ordinary household plug, it may be charged to a relatively high potential (e.g. the peak voltage of a 120V AC signal) which could cause an electrical shock to a person. Moreover, a typical capacitor has a specified voltage limits which could be exceeded with a power surge.

With the apparatus of claim 1, a single control device, for instance, a triac as set forth in claim 4, is used to both reduce the hazard of the high voltage when the capacitor is unplugged and provide surge protection. The varistor connected to the control electrode of the control device provides the surge protection.

The claims were rejected based on Graham, Shilling, and Mura.

As shown in Figure 1, the prior art discloses the use of a triac 14 for discharging the capacitor. This is the prior art of Graham, also the inventor in the current application. However, the circuit of Figure 1 does not provide any surge protection.

Shilling is no longer relevant since applicant has eliminated the "variable resistor" from the claims and inserted instead the varistor.

Mura discloses a triac controlled through a varistor for controlling the maximum charge that can be stored on the capacitor 13 of Figure 1 of Mura. First, it should be pointed out that Mura is a magneto powered ignition system, hardly analogous art to an apparatus for attenuating high frequency signals in an AC power signal. Mura is, for instance, for an automobile, whereas the apparatus of claim 1 is for a household. It is unlikely that a person of ordinary skill in the art would look to the automobile art in designing an apparatus for attenuating high frequency signals for a household.

Perhaps more importantly, the circuit defined by claim 1 uses a single three-terminal device, both to discharge the capacitor when it is unplugged and to provide surge protection through use of the varistor. Applicant submits that there is no suggestion in Graham to combine Graham with Mura, and moreover, there is no teaching in Mura to provide surge protection particularly in an AC circuit.

For these reasons, applicant submits that claim 1 and those claims dependent thereon are in condition for allowance, and an early allowance would be appreciated.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Edwin H. Taylor at (408) 720-8300.

Respectfully submitted,
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